

BEFORE THE PRESIDING DISCIPLINARY JUDGE

**IN THE MATTER OF A MEMBER OF
THE STATE BAR OF ARIZONA,**

**RICK KILFOY,
Bar No. 018051**

Respondent.

PDJ 2022-9067

FINAL JUDGMENT AND ORDER

(State Bar No. 21-2044)

FILED JANUARY 27, 2023

The Presiding Disciplinary Judge accepted the parties' Agreement for Discipline by Consent submitted pursuant to Rule 57(a), Ariz. R. Sup. Ct.

IT IS THEREFORE ORDERED that Rick Kilfoy, Bar No. 018051, is admonished for his conduct in violation of the Arizona Rules of Professional Conduct.

IT IS FURTHER ORDERED that Respondent pay the costs and expenses of the State Bar of Arizona in the amount of \$2,270.75 within 30 days of the date of this final judgment and order. There are no costs or expenses incurred by the Office of the Presiding Disciplinary Judge in these proceedings.

DATED this 27th day of January, 2023.

Margaret H. Downie

**Margaret H. Downie
Presiding Disciplinary Judge**

Copy of the foregoing emailed
this 27th day of January, 2023, to:

Kelly A. Goldstein
Craig D. Henley
State Bar of Arizona
4201 N. 24th Street, Suite 100
Phoenix, Arizona 85016-6266
Email: LRO@staff.azbar.org

Nancy A. Greenlee
821 E. Fern Drive North
Phoenix, Arizona 85014
Email: nancy@nancygreenlee.com

by: SHunt

BEFORE THE PRESIDING DISCIPLINARY JUDGE

**IN THE MATTER OF A MEMBER OF
THE STATE BAR OF ARIZONA,**

**RICK KILFOY,
Bar No. 018051**

Respondent

PDJ 2022-9067

**DECISION ACCEPTING
AGREEMENT FOR DISCIPLINE
BY CONSENT**

(State Bar No. 21-2044)

FILED JANUARY 27, 2023

On January 24, 2023, the parties filed an Agreement for Discipline by Consent (“Agreement”) pursuant to Rule 57(a), Ariz. R. Sup. Ct. The State Bar of Arizona is represented by Kelly A. Goldstein and Craig D. Henley. Respondent Rick Kilfoy is represented by Nancy A. Greenlee. The Agreement resolves a one-count formal complaint filed on September 12, 2022.

Contingent on approval of the proposed form of discipline, Mr. Kilfoy has voluntarily waived his right to an adjudicatory hearing, as well as all motions, defenses, objections, or requests that could be asserted. The Agreement details a factual basis in support of Mr. Kilfoy’s conditional admissions and is incorporated by reference. *See* Rule 57(a)(4), Ariz. R. Sup. Ct.

Mr. Kilfoy conditionally admits violating Rule 42, Ariz. R. Sup. Ct., ER 1.2(a) (scope of representation), 1.3 (diligence), ER 1.4 (communication), ER 1.16(d) (declining or terminating representation), and ER 8.4(d) (conduct prejudicial to the administration of

justice). The State Bar conditionally agrees to dismiss alleged violations of ER 1.1 (competence), ER 1.14(a) (client with diminished capacity), and ER 8.1(a) (making a false statement of material fact). As a sanction, the parties agree to an admonition and payment of costs to the State Bar.

The Agreement includes a detailed recitation of the relevant facts, which are not repeated herein. Generally speaking, Mr. Kilfoy was appointed to represent a minor in a probate proceeding that included a claim against him for wrongful death. Mr. Kilfoy negligently failed to act diligently or communicate adequately with his client and, as a result, violated duties owed to his client and the legal system. The parties stipulate that there was potential harm to the client and the legal system.

The parties stipulate that the presumptive sanction under the American Bar Association's *Standards for Imposing Lawyer Sanctions* is a reprimand pursuant to Standards 4.43 and 7.3. After considering the aggravating and mitigating factors, though, they agree that the sanction should be mitigated to an admonition. The PDJ concurs.

Two aggravating factors are present: (1) vulnerability of victim; and (2) substantial experience in the practice of law. Four mitigating factors apply: (1) absence of a prior disciplinary record; (2) absence of a dishonest or selfish motive; (3) full and free disclosure to disciplinary board; and (4) character or reputation. Perhaps most significant is the fact that Mr. Kilfoy has been practicing law for more than 25 years without any prior discipline.

A lengthy law practice “with a spotless disciplinary record is a very substantial mitigating factor.” *In re Owens*, 182 Ariz. 121, 127 (1995).

IT IS ORDERED accepting the Agreement for Discipline by Consent. A final judgment and order is signed this date.

DATED this 27th day of January, 2023.

Margaret H. Downie
Margaret H. Downie
Presiding Disciplinary Judge

Copy of the foregoing emailed
this 27th day of January, 2023, to:

Kelly A. Goldstein
Craig D. Henley
State Bar of Arizona
4201 N. 24th Street, Suite 100
Phoenix, Arizona 85016-6266
Email: LRO@staff.azbar.org

Nancy A. Greenlee
821 E. Fern Drive North
Phoenix, Arizona 85014
Email: nancy@nancygreenlee.com

by: SHunt

Kelly A. Goldstein, Bar No. 025578
Staff Bar Counsel
Craig D. Henley, Bar No. 018801
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Respondent's Counsel

BEFORE THE PRESIDING DISCIPLINARY JUDGE

**IN THE MATTER OF A MEMBER
OF THE STATE BAR OF ARIZONA,**

**RICK KILFOY
Bar No. 018051**

Respondent.

PDJ 2022-9067

**AGREEMENT FOR DISCIPLINE
BY CONSENT**

State Bar File No. 21-2044

The State Bar of Arizona, and Respondent Rick Kilfoy who is represented in this matter by counsel, Nancy A. Greenlee, hereby submit their Agreement for Discipline by Consent pursuant to Rule 57(a), Ariz. R. Sup. Ct.

A probable cause order was entered on July 26, 2022 and a formal complaint was filed September 12, 2022.

Respondent voluntarily waives the right to an adjudicatory hearing, unless otherwise ordered, and waives all motions, defenses, objections or requests which have been made or raised, or could be asserted thereafter, if the conditional admission and proposed form of discipline is approved.

The State Bar is the complainant in this matter; therefore no notice of this agreement is required pursuant to Rule 53(b)(3), Ariz. R. Sup. Ct.

Respondent conditionally admits that his conduct, as set forth below, violated Rule 42, Ariz. R. Sup. Ct., ER 1.2(a), ER 1.3, ER 1.4, ER 1.16(d), and ER 8.4(d).

Upon acceptance of this agreement, Respondent agrees to accept imposition of the following discipline: **Admonition.**

Respondent also agrees to pay the costs and expenses of the disciplinary proceeding, within 30 days from the date of this order. If costs are not paid within the 30 days interest will begin to accrue at the legal rate.¹

¹ Respondent understands that the costs and expenses of the disciplinary proceeding include the costs and expenses of the State Bar of Arizona, the Disciplinary Clerk, the Probable Cause Committee, the Presiding Disciplinary Judge and the Supreme Court of Arizona.

The State Bar's Statement of Costs and Expenses is attached hereto as Exhibit

A.

FACTS

GENERAL ALLEGATIONS

1. Respondent was licensed to practice law in Arizona on May 17, 1997.

COUNT ONE (File No. 21-2044/State Bar)

2. At all times relevant, Respondent was a lawyer licensed to practice law in the state of Arizona having been first admitted to practice in Arizona on May 17, 1997.

3. The Maricopa County Superior Court appointed Paul Theut as guardian ad litem ("GAL") for Steven Gibson, Jr. ("Gibson"), in the probate proceedings for Gibson's father, Steven Gibson, Sr. ("Father"). The case was assigned case no. PB2013-001380 (the "Probate Case").

4. Gibson was 16 years old at the time of the GAL's appointment.

5. When the Probate Case was initiated, Gibson, his mother, and his older sister were all facing criminal charges in connection with the death of Father under Maricopa County Superior Court Case No. CR2013-114296 (the "Criminal Case").

6. In the Probate Case, Gibson's grandparents filed a complaint asserting various claims for relief against Gibson, his mother, and his sister (the "Probate Defendants"), including claims seeking: (a) to disqualify the Probate Defendants as heirs under A.R.S. § 14-2803; (b) damages for wrongful death; (c) racketeering damages under A.R.S. § 13-2314.04; and (d) punitive damages.

7. On or about December 3, 2013, two minute entry orders were docketed in the Probate Case. The first, dated November 20, 2013, stated, in part:

IT IS FURTHER ORDERED that a Guardian Ad Litem be appointed to represent Steven Gibson, Jr. regarding the *Complaint* filed against him in this matter. A separate appointment Minute Entry will issue.

...

IT IS FURTHER ORDERED that the Office of Public Defense Services shall pay the standard initial Guardian Ad Litem fees.

IT IS FURTHER ORDERED that the Court shall decide at a future date who shall be responsible for any additional Guardian Ad Litem's fees. The Court notes the objection by Mr. Perkins on behalf of his clients that the Estate should not be responsible for the fees of the Guardian Ad Litem.

8. The second minute entry order, dated November 27, 2013, stated, in part:

THE COURT FINDS that a Guardian Ad Litem is necessary to represent the best interests of Steven Gibson, Jr. for the purpose of representation regarding the *Complaint* filed against him in this matter.

9. In that second minute entry order, the probate court also:

a. found that a GAL “is necessary to represent the best interests of [Gibson] for the purpose of representation regarding the Complaint filed against him in [the] matter”;

b. ordered that the “[t]he GAL has a duty to ... act in the best interest of [Gibson]”; and

c. authorized the GAL to conduct interviews and obtain records on Gibson’s behalf, including medical, psychological, counseling, and law enforcement records.

10. A minute entry order dated December 13, 2013, and docketed on December 19, 2013, stated, in part:

IT IS FURTHER ORDERED that Steven Gibson shall file an Answer to the Complaint. January 6, 2014 shall be the start date for which time to respond begins. Further discussion is held regarding the appointment of the guardian ad litem for Steven Gibson and the need for a Court-appointed Counsel.

....

IT IS ORDERED that a Court-appointed counsel be appointed for Steven Gibson Jr., to specifically defend the Complaint alleged against the minor. A separate appointment Minute Entry will issue.

11. The minute entry order appointment of Respondent was dated January 9, 2014, and docketed on January 10, 2014, and set forth the scope:

IT IS ORDERED appointing Rick Kilfoy as attorney for Steven Gibson Jr. to represent him concerning the Complaint alleged against the minor.

12. On or about January 27, 2014, Respondent filed an answer and a motion to stay the Probate Case on behalf of Gibson.

13. Respondent filed an objection to the request by grandparents for DNA testing of Gibson.

14. Respondent knew that Gibson was represented in the Criminal Case by counsel Richard Gierloff, but Respondent does not recall anything but “limited interactions” with Gierloff about Gibson.

15. The court denied Gibson’s motion to stay on March 25, 2014.

16. Despite the matter being a contested proceeding, no scheduling order setting litigation deadlines was issued, and no discovery was conducted, other than a paternity test that the grandparents’ counsel had requested.

17. On or about February 6, 2014, the grandparents filed motions for the entry of a default judgment against Gibson’s mother and his sister. Respondent

wasn't provided notice of any these proceedings related to Gibson's mother and sister.

18. On or about February 28, 2014, the court held a hearing on damages related to the motions for default against Gibson's mother and sister. Respondent wasn't provided any notice of these proceedings related to Gibson's mother and sister.

19. The Minute Entry for the March 7, 2014 hearing identifies the court's findings as to the damages awarded against Gibson's mother and sister and identifies Respondent in the list of recipients of the Minute Entry.

20. On or about March 20, 2014, the court entered a judgment in favor of the grandparents and against Gibson's mother and his sister, which included an award of attorneys' fees plus the following damages:

- a) Wrongful death damages of \$10 million;
- b) Racketeering damages of \$30 million;
- c) Punitive damages of \$10 million; and
- d) Burial damages of \$10,000.

21. On or about March 24, 2014, the court filed a Minute Entry stating that the foregoing judgment had been filed and listing Respondent in the list of recipients

of the Minute Entry.

22. On June 26, 2014, Gibson's grandparents served an Offer of Judgment ("OJ") on Respondent offering to settle the matter for \$5 million, excluding attorney's fees, and "forfeiture of all rights as heir or beneficiary of [Father] pursuant to A.R.S. [§] 14-2803."

23. Respondent neither informed Gibson about the OJ nor discussed it with him.

24. Gibson signed a plea agreement in the Criminal Case on July 1, 2014.

25. Gibson signed an addendum to the plea agreement on July 8, 2014.

26. Gibson's plea agreement was fully executed and filed in the Criminal Case on July 8, 2014.

27. Gibson's plea agreement was docketed in the Criminal Case on July 14, 2014.

28. The OJ expired on July 27, 2014.

29. Gibson's plea was accepted by the court and he was sentenced on August 12, 2014.

30. In a letter that Respondent's former counsel sent to the State Bar on Respondent's behalf (which Respondent reviewed and approved), Respondent's counsel wrote:

[Gibson's] GAL decided, and Mr. Kilfoy agreed, that the OJ should not be accepted because 1) Gibson's criminal matter was still pending (and the GAL and Mr. Kilfoy knew that any acceptance of a civil judgment prior to the disposition of his criminal case would be used against Gibson in the criminal matter); 2) Gibson had no real prospect of paying off the OJ under any scenario (prison, no prison, etc.) and thus could not accept it in good faith; 3) if Gibson was convicted, interest would accumulate on the accepted OJ and potentially double the amount owed by the time he was released from prison; and 4) the grandparents might abandon the claim due to its futility and/or they would likely die before the Gibson's jail term ended.

31. On or about August 25, 2014, Gibson's grandparents filed four motions for summary judgment against Gibson, citing and attaching Gibson's plea agreement.

32. Respondent and the GAL learned about the guilty plea when they received the motions for summary judgment.

33. Respondent did not move for or obtain any extension of time to file Gibson's responses to the summary judgment motions.

34. Respondent filed untimely responses to the summary judgment motions on or about October 9, 2014.

35. The entirety of Respondent's substantive response to the motion for summary judgment on punitive damages reads:

Plaintiff's Motion for Summary Judgment on this issue simply alleges that [Gibson] acted with an evil mind based upon the definition thereof in a distinguishable case and the Arizona Revised Jury Instructions. However, even if accepted as definitive such damages are not automatically awarded as the Plaintiff insinuates. Rather, damages may be appropriate, which is for the Court to determine based upon all of the facts and circumstances of a particular case. In this case, given the undisputed facts, i.e., [Gibson's] plea agreement, his age, the other defendants involved, namely his mother and elder sister, and the other factors surrounding the family and the crime, an award of punitive damages against [Gibson], a minor, would NOT be appropriate.

36. The grandparents moved to strike as untimely the summary judgment responses Respondent had filed on Gibson's behalf.

37. The probate court denied the motions to strike, considered Respondent's responses, and granted each motion for summary judgment.

38. On November 10, 2014, the grandparents filed a request for a damages hearing.

39. A hearing on the damages to be awarded to grandparents and against Gibson was conducted on January 7, 2015 (the "Damages Hearing").

40. Gibson, who was in prison at that time, did not appear for the Damages Hearing.

41. The court then awarded damages against Gibson as follows:

- a. Wrongful death damages of \$10 million;
- b. Racketeering damages of \$30 million;
- c. Punitive damages of \$10 million; and
- d. Burial damages of \$10,000.

42. During the damages hearing, Respondent argued for a potential reduction in the judgment against Gibson related to the attorneys' fees. After the court stated that it was awarding the same \$50,000 in attorneys' fees awarded against Gibson's mother and sister, the grandparents' counsel asked for the \$100,000 they had originally requested from the mother and sister, and Respondent asked that the award "be kept at the \$50,000." The court left the award at \$50,000.

43. At the conclusion of the Damages Hearing, the court discharged Theut as GAL for Gibson.

44. At the conclusion of the Damages Hearing, the court asked Respondent to "wait until [the court] file[d] the judgment, ... and then just file a motion to withdraw."

45. Respondent agreed and then requested a renewed finding that Gibson was indigent. The court so found and ordered that “the Office of Defense Services shall reimburse [Respondent and Theut] for the work performed in th[e] case.”

46. On January 8, 2015, the grandparents moved for sanctions under Ariz. R. Civ. P. 68(g) based on the OJ.

47. Respondent filed no response to the motion for Rule 68(g) sanctions on Gibson’s behalf.

48. On January 15, 2015, Respondent filed a Motion for Discharge of Counsel.

49. The court granted Respondent’s Motion for Discharge of Counsel on March 27, 2015. The order again confirmed the finding of indigency and “Direct[ed] the Office of Public Defense Services to pay [Respondent Kilfoy] pursuant to the rate agreed upon in counsel’s contract with Maricopa County to provide these services.”

50. On March 27, 2015, the court entered an order awarding over \$1 million in sanctions under Ariz. R. Civ. P. 68(g) against Gibson based on Gibson’s failure to obtain a more favorable judgment than was offered in the OJ.

51. Respondent did not have any communications with Gibson following the Damages Hearing.

CONDITIONAL ADMISSIONS

Respondent's admissions are being tendered in exchange for the form of discipline stated below and are submitted freely and voluntarily and not as a result of coercion or intimidation. Respondent conditionally admits that he violated Rule 42, Ariz. R. Sup. Ct., ER 1.2(a), ER 1.3, ER 1.4, ER 1.16(d), and ER 8.4(d).

CONDITIONAL DISMISSALS

The State Bar has conditionally agreed to dismiss Rule 42, Ariz. R. Sup. Ct., ER 1.1, ER 1.14(a) and ER 8.1(a) based on the anticipated hearing testimony.

RESTITUTION

Restitution is not an issue in this matter.

SANCTION

Respondent and the State Bar of Arizona agree that based on the facts and circumstances of this matter, as set forth above, the following sanctions are appropriate: **Admonition.**

If Respondent violates any of the terms of this agreement, the State Bar may bring further discipline proceedings.

LEGAL GROUNDS IN SUPPORT OF SANCTION

In determining an appropriate sanction, the parties consulted the American Bar Association's *Standards for Imposing Lawyer Sanctions (Standards)* pursuant to Rule 57(a)(2)(E). The *Standards* are designed to promote consistency in the imposition of sanctions by identifying relevant factors that courts should consider and then applying those factors to situations where lawyers have engaged in various types of misconduct. *Standard 1.3, In re Pappas*, 159 Ariz. 516, 768 P.2d 1161 (1988). The *Standards* provide guidance with respect to an appropriate sanction in this matter.

In determining an appropriate sanction, the Court considers the duty violated, the lawyer's mental state, the actual or potential injury caused by the misconduct and the existence of aggravating and mitigating factors. *Standard 3.0*.

The parties agree that the following *Standards* are the appropriate *Standards* given the facts and circumstances of this matter:

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Rule 42, Ariz. R. Sup. Ct., ER 1.2(a), ER 1.3, ER 1.4 and ER 1.16(d):

Standard 4.43

Reprimand is generally appropriate when a lawyer is negligent and does not act with reasonable diligence in representing a client, and causes injury or potential injury to a client.

Rule 42, Ariz. R. Sup. Ct., ER 8.4(d):

Standard 7.3

Reprimand is generally appropriate when a lawyer negligently engages in conduct that is a violation of a duty owed as a professional, and causes injury or potential injury to a client, the public or the legal system.

The duty violated

Respondent's conduct violated his duty to the client and the legal system.

The lawyer's mental state

Respondent negligently violated the Rules of Professional Conduct by failing to respond timely to motions for summary judgment on behalf of his client, by failing to notify the client about an offer of judgment, and the potential ramifications of rejecting the offer, and by failing, in connection with his discharge, to notify the

client about the judgment entered against him and the client's deadlines to challenge the judgment.

The extent of the actual or potential injury

There was potential harm to the client and the legal system.

Aggravating and mitigating circumstances

The presumptive sanction is Reprimand. The parties conditionally agree that the following aggravating and mitigating factors should be considered:

In aggravation:

- a) 9.22(h) vulnerability of victim;
- b) 9.22(i) substantial experience in the practice of law;

In mitigation:

- a) 9.32(a) absence of a prior disciplinary record;
- b) 9.32(b) absence of a dishonest or selfish motive;
- c) 9.32(e) full and free disclosure to disciplinary board
- d) 9.32(g) character or reputation (letter from Michelle Lauer is attached as Exhibit C)

Discussion

The parties agree that the presumptive sanction should be mitigated to Admonition.

Based on the *Standards* and in light of the facts and circumstances of this matter, the parties conditionally agree that the sanction set forth above is within the range of appropriate sanction and will serve the purposes of lawyer discipline.

CONCLUSION

The object of lawyer discipline is not to punish the lawyer, but to protect the public, the profession and the administration of justice. In re *Peasley*, 208 Ariz. 27 (2004). Recognizing that determination of the appropriate sanction is the prerogative of the Presiding Disciplinary Judge, the State Bar and Respondent believe that the objectives of discipline will be met by the imposition of the proposed sanction of Admonition and the imposition of costs and expenses.

A proposed form of order is attached hereto as Exhibit B.

DATED this 24th day of January 2023.

STATE BAR OF ARIZONA

/s/ Craig D. Henley

Craig D. Henley
Senior Bar Counsel

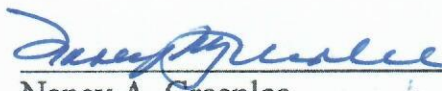
This agreement, with conditional admissions, is submitted freely and voluntarily and not under coercion or intimidation.

DATED this 24th day of January, 2023.



Rick Kilfoy
Respondent

DATED this 24th day of January, 2023.



Nancy A. Greenlee
Counsel for Respondent

Approved as to form and content

/s/Maret Vessella
Maret Vessella
Chief Bar Counsel

Original filed with the Disciplinary Clerk of
the Office of the Presiding Disciplinary Judge
of the Supreme Court of Arizona
this 24th day of January, 2023.

Copy of the foregoing emailed
this 24th day of January, 2023, to:

The Honorable Margaret H. Downie
Presiding Disciplinary Judge
Supreme Court of Arizona
1501 West Washington Street, Suite 102
Phoenix, Arizona 85007
E-mail: officepdj@courts.az.gov

Copy of the foregoing emailed
this 24th day of January, 2023, to:

Nancy A. Greenlee
821 E. Fern Drive North
Phoenix, AZ 85014-3248
Email: nancy@nancygreenlee.com
Respondent's Counsel

Copy of the foregoing hand-delivered
this 24th day of January, 2023, to:

Lawyer Regulation Records Manager
State Bar of Arizona
4201 N. 24th Street, Suite 100
Phoenix, Arizona 85016-6266

by: /s/Melissa Santiago
CDH/ms

EXHIBIT A

Statement of Costs and Expenses

In the Matter of a Member of
The State Bar of Arizona, Rick Kilfoy
Bar No. 018051, Respondent.

File No. 21-2044

Administrative Expenses

The Supreme Court of Arizona has adopted a schedule of administrative expenses to be assessed in lawyer discipline. If the number of charges/complainants exceeds five, the assessment for the general administrative expenses shall increase by 20% for each additional charge/complainant where a violation is admitted or proven.

Factors considered in the administrative expense are time expended by staff bar counsel, paralegal, secretaries, typists, file clerks and messenger; and normal postage charges, telephone costs, office supplies and all similar factors generally attributed to office overhead. As a matter of course, administrative costs will increase based on the length of time it takes a matter to proceed through the adjudication process.

General Administrative Expenses for above-numbered proceedings

\$1,200.00

Additional costs incurred by the State Bar of Arizona in the processing of this disciplinary matter, and not included in administrative expenses, are itemized below.

Additional Costs

11/22/22	Deposition Transcripts (Kilfoy)	\$ 518.10
12/28/22	Process Service	\$ 179.00
01/18/23	Deposition Transcripts (Goodman)	\$ 373.65

Total for additional costs	<u>\$ 1,070.75</u>
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<u>TOTAL COSTS AND EXPENSES INCURRED</u>	<u>\$2,270.75</u>
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EXHIBIT B

BEFORE THE PRESIDING DISCIPLINARY JUDGE

**IN THE MATTER OF A MEMBER
OF THE STATE BAR OF ARIZONA,**

**RICK KILFOY,
Bar No. 018051,**

PDJ 2022-9067

**FINAL JUDGMENT AND
ORDER**

State Bar No. 21-2044

The Presiding Disciplinary Judge of the Supreme Court of Arizona, having reviewed the Agreement for Discipline by Consent pursuant to Rule 57(a), Ariz. R. Sup. Ct., accepts the parties' proposed agreement.

Accordingly:

IT IS ORDERED that Respondent, Rick Kilfoy, is admonished for his conduct in violation of the Arizona Rules of Professional Conduct, as outlined in the consent documents.

IT IS FURTHER ORDERED that Respondent pay the costs and expenses of the State Bar of Arizona in the amount of \$ 150,000.00, within 30 days from the date of service of this Order.

IT IS FURTHER ORDERED that Respondent shall pay the costs and expenses incurred by the disciplinary clerk and/or Presiding Disciplinary Judge's

Office in connection with these disciplinary proceedings in the amount of _____, within 30 days from the date of service of this Order.

DATED this _____ day of January, 2023.

**Margaret H. Downie, Presiding Disciplinary
Judge**

Original filed with the Disciplinary Clerk of
the Office of the Presiding Disciplinary Judge
of the Supreme Court of Arizona
this 24th day of January, 2023.

Copies of the foregoing mailed/emailed
this 24th day of January, 2023, to:

Nancy A. Greenlee
821 E Fern Dr North
Phoenix, AZ 85014-3248
Email: nancy@nancygreenlee.com
Respondent's Counsel

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Kelly Ann Goldstein
Craig D. Henley
State Bar of Arizona
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Phoenix, Arizona 85016-6266
Email: LRO@staff.azbar.org

Copy of the foregoing hand-delivered
this 24th day of January, 2023 to:

Lawyer Regulation Records Manager
State Bar of Arizona
4201 N 24th Street, Suite 100
Phoenix, Arizona 85016-6266

by: _____

EXHIBIT C



ELDER LAW ATTORNEYS

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JOHN C. LINCOLN	Member, Certified Specialist in Estate and Trust Law, State Bar of Arizona
MICHELLE M. LAUER	Member
CAROLYN VASI	Paralegal
MARLO M. JONES	Legal Assistant

January 12, 2022

**VIA E-MAIL nancy@nancygreenlee.com
& FIRST-CLASS MAIL**

Nancy A. Greenlee
Attorney and Counselor at Law
821 E. Fern Dr. N
Phoenix, AZ 85014

Re: *Rick Kilfooy*

Dear Nancy:

I understand you represent Rick in a matter brought against him by the State Bar. I was informed about the substance of the Bar charges. I have known and worked with Rick on probate cases since 2009. Rick is known in our mental health and probate practice area to be not only rather knowledgeable and seasoned, but a tireless, ethical advocate with a compassionate heart still after more than 25 years of practice and in spite of all the ugliness he deals with in helping vulnerable individuals. Rick makes himself available just about all hours of the day, all days of the week to field questions from not only his clients, but from his colleagues to help. I know this because I have called upon Rick several times over the years to bounce ideas off him and strategize on ways to assist my clients and/or their vulnerable loved ones.

Rick is a tremendous asset to our community. Our Bar and practice area needs more members/attorneys like Rick. The Bar charges do not change my opinion about Rick's integrity and it likely will not change the opinion of our peers either.

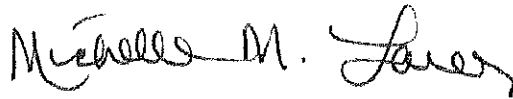
Nancy A. Greenlee

01/12/2022

Page 2

Please let me know if there is anything I can do to help.

Best regards,

A handwritten signature in black ink, appearing to read "Michelle M. Lauer". The signature is fluid and cursive, with the first name "Michelle" being more prominent.

MICHELLE M. LAUER